

**Before the State of South Carolina
Department of Insurance**

In the matter of:

**Demetrius B. Gladden
570 Doodle Hill Road
St. Matthews, S.C. 29135**

SCDOI File Numbers 10-2843

**Default Order Revoking
All Licensing Privileges
License #501563**

This matter comes before me pursuant to the Order and Notice of Opportunity for Public Hearing served, as required within S.C. Code Ann. § 38-3-170 (Supp. 2004), by the State of South Carolina Department of Insurance, upon Demetrius B. Gladden. Notification was made by certified and regular mail on July 14, 2011, with a return receipt requested. Despite that warning, Demetrius B. Gladden has failed to respond to the Department.

That order informed Demetrius B. Gladden of his right to request a public hearing upon the allegations of withholding premiums. The letter further warned that his failure to make a timely, written request would result in my summary revocation of his license to do business as a resident producer/surety bondsman within the State of South Carolina.

After careful review of the evidence presented, I find as follows:

FINDING OF FACT

1. Demetrius B Gladden is currently a South Carolina resident producer/surety bondsman issued license number 501563.
2. The SCDOI received a letter, dated December 1, 2010, from Allegheny Casualty Company alleging that respondent failed to remit premiums and possessed numerous bail bond powers of attorney.
3. Respondent acknowledged premiums owed and returned powers of attorney.
4. On April 6, 2011, respondent agreed to a consent order and pay an administrative fine of \$500. Respondent received and signed for the consent order on April 26, 2011.
5. Respondent has failed to sign consent order and failed to the pay administrative fine imposed by the Department.

CONCLUSIONS OF LAW

1. SECTION 38-43-130 (A)(4); which states in pertinent part that;

(A) The director or his designee may place on probation, revoke, or suspend a producer's license after ten days' notice or refuse to issue or reissue a license when it appears that a producer has been convicted of a crime involving moral turpitude, has violated this title or any regulation promulgated by the department, or has willfully deceived or dealt unjustly with the citizens of this State; (4) improperly withholding, misappropriating, or converting any monies or properties received in the course of doing insurance business.

2. Section 38-53-150 (A)(4); which states in pertinent part that;

(A)The director or his designee may deny, suspend, revoke, or refuse to renew any license issued under this chapter for any of the following causes; (4) misappropriation, conversion, or unlawful withholding of monies belonging to insurers or others and received in the conduct of business under the license.

3. S.C. Code Section 38-2-10 (2) provides:

If the violator is a person, other than an insurer or a health maintenance organization, licensed by the director or his designee in this State, the director or his designee shall (a) fine the person in an amount not to exceed two thousand five hundred dollars, or (b) suspend or revoke the license of the person, or both. If the violation is willful, the director or his designee shall (a) fine the person in an amount not to exceed five thousand dollars, or (b) suspend or revoke the license of the person, or both.

4. Demetrius B. Gladden violated the laws of this state and was in violation of Section 38-53-150 and 38-43-130 and was no longer in good faith carrying on the business of a bondsman when he withheld premiums.

This administrative disciplinary order is a public record subject to the disclosure requirements of the State of South Carolina's, *Freedom of Information Act*, S.C. Code Ann. §§ 30-4-10, *et seq.* (1991 and Supp. 2000). Nothing contained within this administrative disciplinary order should be construed to limit or to deprive any person of any private right of action under the law. Nothing contained within this administrative disciplinary order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement or judicial officer. Nothing contained within this administrative disciplinary order should be construed to limit the statutory duty of the Director of Insurance, exercised either directly or through the Department of Insurance, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the law relative to the business of insurance or the provisions of this title which he considers necessary to report." S.C. Code Ann. § 38-3-110(3) (Supp. 2004).

It is, therefore, ordered that the license of Demetrius B. Gladden to do business as a resident producer/surety bondsman within the State of South Carolina be, and is hereby, revoked, and that no license issued through the State of South Carolina Department of Insurance is to be issued to him.

It is further ordered that a copy of this order shall be transmitted to the National Association of Insurance Commissioners for distribution to its current member states and to each insurer for which Demetrius B Gladden is currently licensed, through the State of South Carolina Department of Insurance, as a resident producer/surety bondsman within the State of South Carolina.

This order becomes effective as of the date of my signature below.

A handwritten signature in black ink, appearing to read "David Black", written in a cursive style.

David Black
Director of Insurance

September 13, 2011 at
Columbia, South Carolina